

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO L. DOYLE,

Plaintiff,

vs.

FAIRFAX COUNTY SCHOOL BOARD,
VAEDRA ROSEMAN JONES and DAMIEN
C. JONES,

Defendants.

3:13-cv-00540-LRH-WGC

ORDER

re Plaintiff's Request for Entry of Default

Doc. # 20

Before the court is Plaintiff's Motion for Default against Defendants Vaedra Roseman Jones and Damien Jones. (Doc. # 20). Defendant Vaedra Jones was served on September 16, 2013 (Doc. # 2) and Defendant Damien Jones accepted service on October 18, 2013 (Doc. # 7).

In this court's order of January 24, 2014 (Doc. # 21), this court stated that

Defendant Damien Jones accepted service on October 18, 2013 (Doc. # 7). Other than joining in Defendant Fairfax County School Board's Petition for Removal (Doc. # 1) and the Acceptance of Service filed by Damien Jones (Doc. # 7), it does not appear the Jones defendants have appeared further in this action.

(*Id.* at 1.)

Although this court noted it appeared the Defendants had failed to plead or defend, nevertheless, the court further stated that the Federal Rules of Civil Procedure and cases interpreting rules on default prefer matters be litigated on their merits, and that defaults – and default judgments – are disfavored. *Harvey v. United States*, 685 F.3d 939, 946 (10th Cir. 2012); *U.S. v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d 1085, 1091 (9th Cir. 2010).

1 Because these Defendants had joined in the Fairfax School Board Petition for Removal (Doc.
2 # 1 at 3), the court concluded these Defendants indicated that they intend to defend this matter.
3 Nevertheless, the court directed the Jones Defendants to file a responsive pleading on or before
4 February 15, 2014; otherwise, the Clerk's Office would be directed to enter a default against the
5 Defendants. (*Id.* at 2.)

6 On February 7, 2014, Defendants filed a Joint Motion to Dismiss. (Doc. # 22.) This motion
7 constitutes an adequate response to Plaintiff's complaint. Accordingly, Plaintiff's Request for Entry of
8 Default (Doc. # 20) is **DENIED**.

9 **IT IS SO ORDERED.**

10 DATED: February 18, 2014.

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14 WILLIAM G. COBB
15 UNITED STATES MAGISTRATE JUDGE
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